

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director / (954) 797-1101  
Prepared by: David M. Abramson, Planner I

**SUBJECT:** Ordinance 1st Reading/Quasi-judicial  
VA 5-1-03, New World Plat, 7600 S.W. 36<sup>th</sup> Street / generally located at the southwest corner of S.W. 76<sup>th</sup> Avenue S.W. 35<sup>th</sup> Street / S.W. 36<sup>th</sup> Street

**AFFECTED DISTRICT:** District 2

**TITLE OF AGENDA ITEM:** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 5-1-03, VACATING RIGHT-OF-WAY WITHIN SECTION 28, TOWNSHIP 50 SOUTH, RANGE 41 EAST AND WITHIN THE PLAT KNOWN AS THE NEW WORLD PLAT (166-37); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The applicant requests to vacate two (2) 60' right-of-way portions on S.W. 76<sup>th</sup> Avenue (Kirkland Road) between S.W. 37<sup>th</sup> Court and S.W. 36<sup>th</sup> Street. The two (2) proposed portions to be vacated are divided amongst "New World Plat" to the west and "Everglades Lands Sales Co.", Tracts 25 and 68 to the east.

S.W. 76<sup>th</sup> Avenue is primarily used by residential neighborhoods located north of S.W. 39<sup>th</sup> Street, east of S.W. 76<sup>th</sup> Avenue. However, the number vehicle trips have increased on this strip of roadway due to students traveling north on S.W. 76<sup>th</sup> Avenue to Nova Southeastern University from Orange Drive. Moreover, recent addition construction to S.W. 35<sup>th</sup> Street a connecting link of roadway over the Central Broward Water Control Districts canal to S.W. 76<sup>th</sup> Avenue has also created more trips by non-residential non-student travelers. The vacation request would eliminate the roadway connection between S.W. 37<sup>th</sup> Court and the new canal crossing reducing cut-through traffic flow.

The applicant also requests to vacate a portion of a 10' foot utility easement along S.W. 35<sup>th</sup> Street previously dedicated per plat "New World Plat" lying in the Town of Davie, Florida, and realigning said easement. The vacation of this 10' utility easement will realign with the culvert crossing at the canal.

The requested vacation will not have any adverse affect on neighboring properties, nor will they conflict with the public interest.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the August 27, 2003 Planning and Zoning Board meeting Vice-Chair Ms. Turin made a motion made a motion, seconded by Ms. Lee, to approve (Motion carried 3-0).

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

**ATTACHMENT(s):** Ordinance, Planning report, Justification letter, Future Land Use map, Subject site, zoning and aerial map

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 5-1-03, VACATING RIGHT-OF-WAY WITHIN SECTION 28, TOWNSHIP 50 SOUTH, RANGE 41 EAST AND WITHIN THE PLAT KNOWN AS THE NEW WORLD PLAT (166-37); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, certain land located within in the Plat known as the New World Plat (166-37), specifically described on Exhibit "A" attached hereto, was accepted as road right-of-way; and

WHEREAS, vacation of the right-of-way will not be in conflict with the public interest; and

WHEREAS, on the date of adoption of this ordinance Town Council did agree to such vacation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That right-of-way located within the Plat known as the New World Plat (166-37), specifically described on Exhibit "A" attached hereto, are hereby vacated by the Town of Davie.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

**TOWN OF DAVIE**  
**Development Services Department**  
**Planning & Zoning Division Staff**  
**Report and Recommendation**

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**APPLICANT INFORMATION**

**Owner/Agent:**

**Name:** Nova Southeastern University  
John J. Santulli  
**Address:** 3301 College Avenue  
**City:** Fort Lauderdale, Florida 33314  
**Phone:** (954) 262-8837

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**BACKGROUND INFORMATION**

**Date of Notification:** August 13, 2003    **Number of Notifications:** 30

**Application History:** No deferrals have been requested.

**Application Request:** To vacate 1) Two portions of the right-of-way on S.W. 76<sup>th</sup> Avenue, and 2) a portion of 10' utility easement along SW 35<sup>th</sup> Street previously dedicated per plat "New World Plat" lying in the Town of Davie, Florida, and realigning said easement.

**Address/Location:** 7600 SW 36 Street/Generally located at the southwest corner of S.W. 76<sup>th</sup> Avenue S.W. 35<sup>th</sup> Street / S.W. 36<sup>th</sup> Street

**Future Land Use Plan Designation:** Regional Activity Center (RAC)

**Zoning:** CF, Community Facility

**Existing Use:** Right-of-Way for S.W. 76<sup>th</sup> Avenue and S.W. 35<sup>th</sup> Street

**Proposed Use:** A 100-foot diameter cul-de-sac on S.W. 76<sup>th</sup> Avenue and open area

**Parcel Size:** 210,612 sq. ft. (4.84 Acres)

**Surrounding Land**

	<b><u>Surrounding Uses:</u></b>	<b><u>Use Plan Designation:</u></b>
<b>North:</b>	Shopping Center	Regional Activity Center (RAC)
<b>South:</b>	Church	Regional Activity Center (RAC)
<b>East:</b>	Residential and Vacant	Residential (5 D.U./acre)
<b>West:</b>	Car Dealership and Vacant	Regional Activity Center (RAC)

	<b><u>Surrounding Zoning:</u></b>
<b>North:</b>	B-3, Planned Business Center
<b>South:</b>	CF, Community Facility
<b>East:</b>	R-5, Residential 5 dwelling units per acre
<b>West:</b>	B-3, Planned Business Center

## ZONING HISTORY

### **Previous Request on same property:**

*Plat Request (P 11-2-97):* The New World Plat was approved (R-98-51) by the Town of Davie on February 4, 1998.

*Site Plan (SP 1-1-02):* The Town of Davie approved the Nova Southeastern University Family Center Village site plan submittal (two buildings total 112,268 square feet) on March 6, 2002.

*Delegation Request (DG 5-4-03):* Resolution (R-2003-172) was approved on July 8, 2003, to revise restrictive note for the New World Plat.

*Delegation Request (DG 6-1-03):* Resolution (R-2003-195) was approved on August 6, 2003, to revise the NVAL for the New World Plat.

## APPLICATION DETAILS

The petitioner request to vacate portions of S.W. 76<sup>th</sup> Avenue (Kirkland Road) between S.W. 37<sup>th</sup> Court and S.W. 36<sup>th</sup> Street as well as a portion of a 10' utility easement along S.W. 35<sup>th</sup> Street previously dedicated per plat "New World Plat" lying in the Town of Davie, Florida.

## APPLICABLE CODES AND ORDINANCES

Section 12-310 of the Land Development Code, review for vacations or abandonment's of right-of-way.

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## COMPREHENSIVE PLAN CONSIDERATIONS

### **Planning Area:**

The proposed project is within the planning area No. 8 characterized by older, small scale commercial development, older single-family residential neighborhoods, and newer large scale multi-family residential developments that serve the South Florida Education Center.

### **Broward County Land Use Plan:**

The subject site falls within Flexibility Zone 99.

### **Broward County Land Development Code:**

The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

### **Applicable Goals, Objectives & Policies:**

The proposed plat is generally consistent with the goals, objectives and policies of the Comprehensive Plan.

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## STAFF ANALYSIS

The applicant requests to vacate two (2) 60' right-of-way portions on S.W. 76<sup>th</sup> Avenue (Kirkland Road) between S.W. 37<sup>th</sup> Court and S.W. 36<sup>th</sup> Street. The two (2) proposed portions to be vacated are divided amongst "New World Plat" to the west and "Everglades Lands Sales Co.", Tracts 25 and 68 to the east.

S.W. 76<sup>th</sup> Avenue is primarily used by residential neighborhoods located north of S.W. 39<sup>th</sup> Street, east of S.W. 76<sup>th</sup> Avenue. However, the number vehicle trips have increased on this strip of roadway due to students traveling north on S.W. 76<sup>th</sup> Avenue to Nova Southeastern University from Orange Drive.

Furthermore, recent addition construction to S.W. 35<sup>th</sup> Street a connecting link of roadway over the Central Broward Water Control Districts canal to S.W. 76<sup>th</sup> Avenue has also created more trips by non-residential non-student travelers.

The applicant's vacation request on S.W. 76<sup>th</sup> Avenue will have no adverse impact on neighboring properties, nor create a conflict with the public interest. The vacation request would eliminate the roadway connection between S.W. 37<sup>th</sup> Court and the new canal crossing reducing cut-through traffic flow.

Neighborhood residents would find their way home via S.W. 39<sup>th</sup> Street. In addition, Nova Southeastern University students and visitors would access the campus from a various supply routes, either University Drive/S.W. 36<sup>th</sup> Street connector, the University Drive Health Profession Division entrance, or the several existing entrances off S.W. 30<sup>th</sup> Street and College Avenue.

The applicant also requests to vacate a portion of a 10' foot utility easement along S.W. 35<sup>th</sup> Street previously dedicated per plat "New World Plat" lying in the Town of Davie, Florida, and realigning said easement. The vacation of this 10' utility easement will realign with the culvert crossing at the canal.

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## FINDINGS OF FACT

### **Vacations or abandonments of right-of-way:**

#### **Section 12-310 (A) (1):**

#### **The following findings of facts apply to the vacation requested:**

**(a) It will adversely affect access to neighboring properties.**

*It will not adversely affect access to neighboring properties. Access for the single family residential located to the east of the subject vacation is not impacted by the proposed vacation nor is the surrounding existing road network impacted.*

**(b) It will be in conflict with the public interest.**

*It will not be in conflict with the public interest. The requested vacation of right-of-way will have no adverse impact on neighboring properties, nor create a conflict with the public interest. By vacating this right-of-way, less traffic is subjected to enter into the residential neighborhoods.*

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## STAFF RECOMMENDATION

**Recommendation:** Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

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## PLANNING AND ZONING BOARD RECOMMENDATION

At the August 27, 2003 Planning and Zoning Board meeting Vice-Chair Ms. Turin made a motion made a motion, seconded by Ms. Lee, to approve (Motion carried 3-0).

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## TOWN COUNCIL RECOMMENDATION

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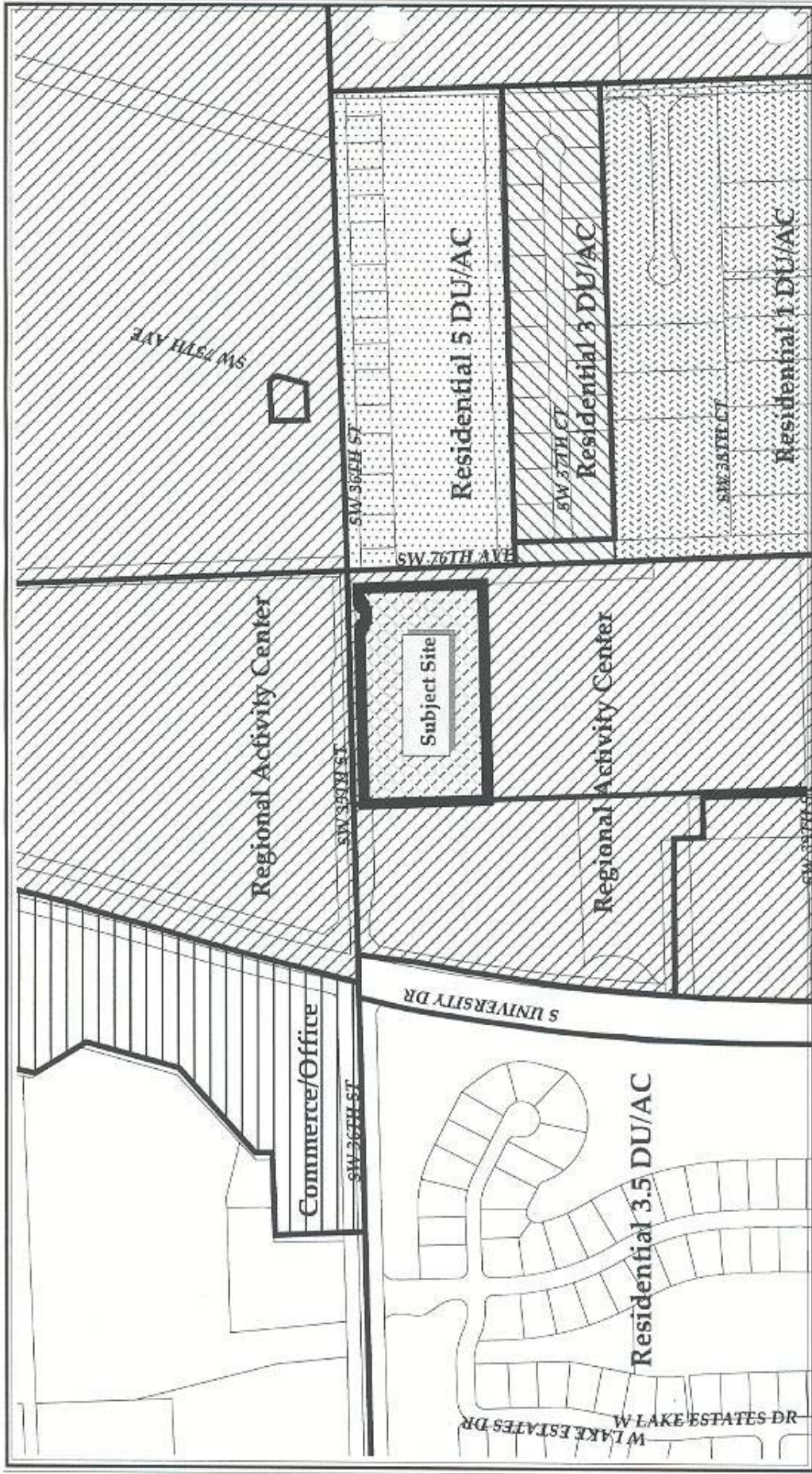
## EXHIBITS

1. Justification letter
2. Proposed vacation of right-of-way lying on Tract in 68
3. Proposed vacation of right-of-way lying on Tract in 25
4. Existing portion of 10' utility easement
5. Proposed portion of 10' utility easement
6. Future Land Use map
7. Zoning and aerial map

Prepared by: \_\_\_\_\_

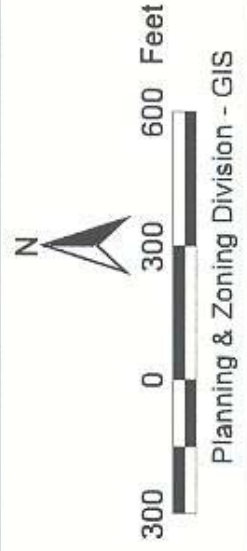
Reviewed by: \_\_\_\_\_



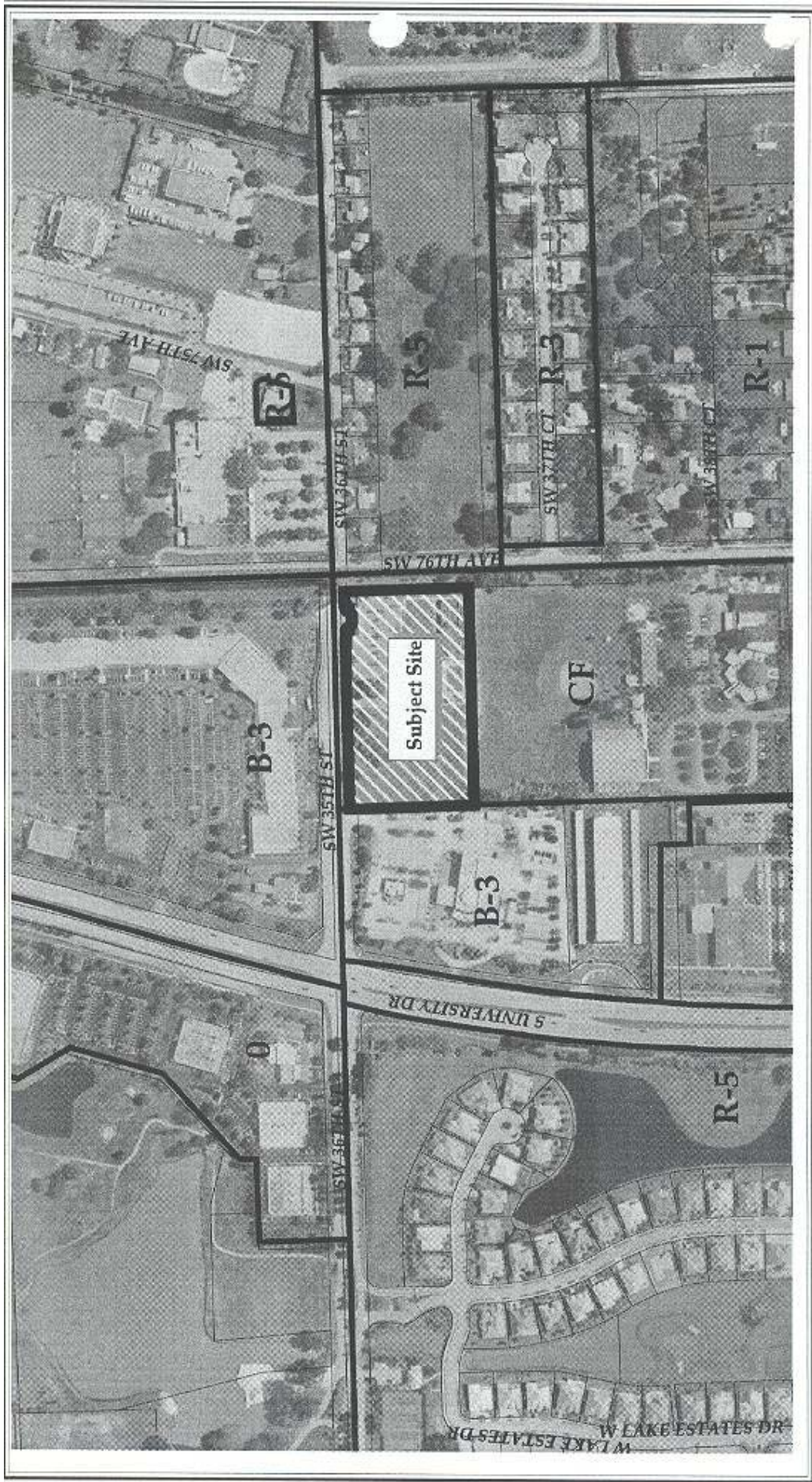


# VACATION REQUEST DG 5-1-03 "NEW WORLD PLAT" Future Land Use Map

Prepared By: DMA  
 Date Prepared: 06-23-03

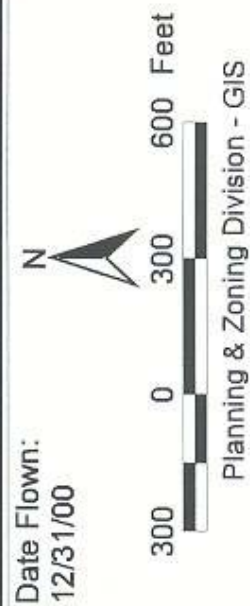






# **VACATION REQUEST** **VA 5-1-03 "NEW WORLD PLAT"** **Subject Site, Zoning and Aerial Map**

Prepared By: DMA  
 Date Prepared: 08-05-03



Date Flown:  
 12/31/00